

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

VICTOR MANUEL FERREIRA HERNANDEZ,

Case No. 18-40401

Debtor.

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VICTOR MANUEL FERREIRA HERNANDEZ,

Adv. Proc. No.: 1-18-01013 (CEC)

Plaintiff,

-against-

JOHN LATORA, DAVID SCHWARTZ, JOHN DOE
1, JOHN DOE 2,

Defendants.

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**ORDER PURSUANT TO RULE 7012 OF THE FEDERAL RULES OF BANKRUPTCY
PROCEDURE INCORPORATING FED. R. CIV. P. RULE 12(b)(6) DISMISSING
DEBTOR'S ADVERSARY COMPLAINT**

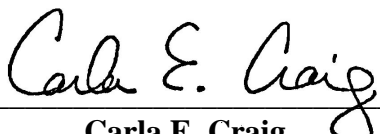
Upon the Motion (the "Motion") by John Latora ("Latora") for ~~an~~ ~~for~~ an Order, pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure incorporating Fed. R. Civ. P. Rule 12(b)(6), dismissing Debtor's Adversary Complaint in this proceeding on the ground that the Complaint fails to state a claim for which relief can be granted, because Debtor's claims seeking to "quiet title" to certain real property are barred by the doctrines of *res judicata* and/or collateral estoppel, based on the pre-petition final judgment of the Supreme Court, Kings County (*John Latora v. Victor Ferreira*, Index No. 512079-2015), awarding Latora specific performance and title to the same real property, and the Court having read and considered the Motion; and the hearing having been held on April 24, 2018 regarding the relief requested in the Motion; and after due deliberation, sufficient cause appearing therefor,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion to Dismiss the Adversary Complaint is GRANTED. Objections to the Motion, are hereby overruled.

**Dated: Brooklyn, New York
April 27, 2018**





Carla E. Craig
United States Bankruptcy Judge